IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SECOND DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 10577 of 1997

Between:

Kumara Swamy Cooperative Collective Forming Society, Rep.by it's Secretary, Ghantasala Venkanna, Regd.No. Y.201, Pandiripalligudem, H/o. Kolletikota, Kaikalur Mandal, Krishna District.

..... PETITIONER

AND

1 The District Collector ,
Machilipatnam, Krishna District.
2 The Mandal Revenue Officer,
Kaikalur Mandal, Krishna District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an Appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, declaring the proceedings of the Mandal Revenue Officer, Kaikaluru, the second respondent herein R.C.A.No.242/97, dt.17.3.1997 as illegal, and without jurisdiction and consequently direct the respondents not to interfere with the Agricultural activity by repairing bunds of the petitioner society in the lands of an extent of Ac.50.00 in Survey Nos.431 to 445 situated in Pandiripalligudem, H/o. Kolletikota Village, Kaikalur Mandal, Krishna District.

Counsel for the Petitioner:MR.K.P.V.SUBBA REDDY

Counsel for the Respondents: GP FOR REVENUE

The Court made the following :

O R D E R:

The present Writ Petition is filed for a writ, order or direction, more particularly one in the nature of Writ of Mandamus, declaring the proceedings of the Mandal Revenue Officer, Kaikaluru-second respondent herein in R.C.A.No.242 of 1997, dated 17.03.1997 as illegal and without jurisdiction and consequently direct the respondents not to interfere with the agricultural activity by repairing bunds of the petitioner-society in the lands in an extent of Ac.50-00 in Survey Nos.431 to 445 situated in Pandiripalligudem, hamlet of Kolletikota village, Kaikalur Mandal, Krishna District and to pass such other suitable orders.

2. Several averments were made in the affidavit filed in support of the Writ Petition. A notification issued under Section 18 of the Wild Life Protection Act, 1972 also had been referred to and issuance of orders not to excavate and convert government lands into fish tanks also had been specified. It is also stated that the proceedings under Sections 144 and 145 of Criminal Procedure Code had been made without notice to the petitioner.

3. In view of the peculiar facts and circumstances of the case, inasmuch as several factual aspects had been narrated in the affidavit filed in support of the Writ Petition, the petitioner's Society is given liberty to make a representation to the first respondent in this regard within a period of one month from the date of receipt of a copy of this order and the first respondent shall dispose of the same in accordance with law within a period of three months thereafter.

4. The Writ Petition is disposed of accordingly. No order as to costs.

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Dated: 22-12-2004. **P.S. NARAYANA, J**

Ccm

To:

1 The District Collector , Machilipatnam, Krishna District.
2 The Mandal Revenue Officer, Kaikalur Mandal, Krishna District.

3 2 CCs to the Government Pleader for Revenue, High Court

Buildings, A.P.Hyderabad. (OUT)

4 2 CD copies.